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Written Testimony of Atty. Nadine Nevins, Connecticut Legal Services

Regarding SB 220 AAC Unemployment Compensation Appeals and Hearings and Minor and Technical Revisions to the General Statutes Relating to the Labor Department

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My name is Nadine Nevins and I am the managing attorney of the Bridgeport office of Connecticut Legal Services, Inc. I am submitting this testimony on behalf of CT's Legal Services Programs. I would like to comment and propose substitute language for some of the proposals that have been raised by the Department of Labor in SB 220. We feel that the proposals in question would be detrimental to the low-income workers that we serve.

We would urge you to reject SB 220 until the following issues have been addressed.

The following are the issues we have identified and the changes that would resolve those issues:

Section 2: Changes CGS Section 31-227(i)(1)(E) to eliminate language that allows a claimant to change their tax withholding status once a benefit year.

This current statutory language should remain as is. For low-income claimants withholding makes little sense but that may not be readily apparent to them. If they do make this decision they should be able to withdraw their permission and request receipt of the full weekly benefit. Given unemployment compensation's remedial purpose of providing relief to jobless workers this is not too much to ask and it can mean the difference between a family having the money to pay the rent and feed their family. Any extra money helps when unemployed.

Section 5: Deletes language in CGS Section 31-240, that says that claims shall be made at the public employment bureau or branch most easily accessible either from the claimant's residence or from the place of his most recent employment. The new language says claims shall be made in accordance with regulations prescribed by the administrator. Most claims are made by telephone so this would be a problem for people without phones and those with disabilities who would have to be accommodated. **Language must be included in this section that protects people who cannot, for whatever reason, participate in the telephonic application process and may have to travel long distances to apply in-person.**

Section 6: Eliminates language in CGS Section 31-241, specifying the right to a hearing to determine eligibility at the examiner level. SB 220 states that the determination of eligibility by the examiner shall be based on evidence presented in a manner prescribed by the examiner including writing, telephone or other electronic means. **Current language says that determination of eligibility "shall be based upon**

evidence or testimony presented in such a manner as the administrator shall prescribe, including in writing, by telephone or other electronic means at a hearing called for such purpose." (emphasis added) SB 220 changes the language to say the administrator or examiner may prescribe a TELEPHONIC or in person hearing **at his or her discretion**.

The hearing at the examiner level is a claimant's first opportunity to tell their story, present evidence, confront their employer, hear the employer's side and see the employer's evidence. Claimants are also able to hear how the examiner characterizes what each side has said and the evidence they've presented. Having this hearing can prevent the need for a referee hearing and gives each side an idea of what the disputed issues are and the evidence they need to gather for the referee hearing. Low-income and less educated claimants are at a disadvantage if they cannot have an in-person hearing.

Claimants may not have the required electronics (computer, fax, iphone) to participate or a telephone with enough minutes to participate in a telephone hearing. It will be difficult for less educated claimants to put their testimony and evidence into writing, which seems to be the default method for producing evidence, and for them to see what evidence is being used against them.

Eliminating the right to a hearing by an examiner creates a very real barrier to participation by low-income, less educated claimants. Unemployment compensation benefits are supposed to be a remedial program to support unemployed workers. Efforts should be focused on creating a process that is more easily accessible to claimants, not less. **The language in Section 6 of SB 220 should be rejected.**

Section 16: Changes Section 5 of CGS 31-273 regarding overpayments. The proposed language eliminates the right to a hearing before an examiner in both fraud and non-fraud cases. Instead there is a determination of eligibility by an examiner based on evidence or testimony presented in a manner the Administrator prescribes, including writing, telephonic or through electronic means. **Telephone or in person hearings are held at the examiner's discretion.** If an in person hearing is requested, it may not be unreasonably denied.

Low-income, less educated claimants denied an in-person hearing when charged with an overpayment, are disadvantaged in much the same way that claimants denied an in person hearing at the examiner level are. They too may not have access to telephone and other electronic means to participate and so their participation may be unfairly limited to the submission of written evidence. It is unclear how they will be able to ask questions about and object to evidence submitted against them. For example, in overpayment cases, the Benefits Payment Control Unit has presented printouts as evidence of overpayments; even attorneys have trouble understanding them. How will they be explained to claimants without a hearing? **Given the severe penalties that can result from a finding of fraud, eliminating the opportunity for an in-person hearing would be a denial of due process. Therefore the language proposed to in Section 16 should be rejected.**

Again, we would urge you to reject SB 220 until the issues outlined above have been addressed.